



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.1974 of 2018

WEB COPY

Anto Selvan

: Petitioner/Sole Accused

Vs.

1.State Represented by

The Sub-Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil, Kanyakumari District.
[Crime No.35of 2018].

:1st Respondent/Complainant

2.Justin Antony

:2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the proceedings in Crime No.35 of 2018, on the file of the Sub-Inspector of Police, Nesamony Nagar Police Station, Nagercoil, Kanyakumari District and quash the same against the petitioner/accused.

For Petitioner

: Ms.M.Padmavathy

For R-1

: Mr.K.Suyambulinga Bharathi
Government Advocate[Crl. side]

For R-2

: Mr.K.Vamanan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.35 of 2018, on the file of the Sub-Inspector of Police, Nesamony Nagar Police Station, Nagercoil, Kanyakumari District for an alleged offences under Sections 294(b), 323, and 506 (i) of IPC.

2. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. In order to identify the petitioner he has also produced the copy of the Aadhaar Card which is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.35 of 2018.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.35 of 2018, on the file of the Sub-Inspector of Police, Nesamony Nagar Police Station, Nagercoil, Kanyakumari District, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. The petitioner shall pay a sum of Rs.500/- as costs, to the credit of the "Environment Fund" (payable in Account No.6656485009, Member Secretary, Tamil Nadu State Legal Services Committee), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-III)

Encl:- Xerox Copy of Joint Compromise Memo
To

- 1.The Sub-Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil, Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Member Secretary
Tamil Nadu State Legal Service Authority
Madras.

+1cc to Ms.M.PADMAVATHY, ADVOCATE IN SR.NO.79572.

SJI

DS SKN SAR-3:11.09.2018: 2P/5C